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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.823 OF 2005
IN
SUMMONS FOR JUDGMENT NO.320 OF 2004
IN
SUMMARY SUIT NO.619 OF 2004

Jagdishchandra S. Somani).. Plaintiff

Versus

Naresh R. Chokhani).. Defendant

Mr.Rajendra Singh i/b.Mr.S.M. Jain for the Plaintiff.

None present for the Defendant.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 14TH JUNE 2006

P.C.:

. The Notice of Motion has been taken out for restoration of Summons for Judgment No.320 of 2004 in Summary Suit No.619 of 2004. This Summons for Judgment was dismissed for non-prosecution on 22nd February 2005 since nobody was present on behalf of the Plaintiff.

2. The Plaintiff has pointed out that, on 22nd February 2005, when the matter reached for hearing, neither he nor his Advocate remained present for the reasons stated in the affidavit in support of the Motion.

3. Nobody appears for the Defendant though served. Affidavit of service is filed on record.

4. For the reasons stated in the affidavit in support of the Motion, Notice of Motion made absolute in terms of prayer clauses (a) and (b).